



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 1, 2021

By ECF

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Devon Smith,
20 Cr. 563 (JPO)

Dear Judge Oetken:

The Government writes, with the consent of defense counsel, to respectfully request that the Court so order a modification to the bail conditions for Devon Smith in the above-captioned case.

As background, on or about October 28, 2020, Smith was arrested in the Western District of New York in connection with the above-captioned case. On or about October 29, 2020, Smith was presented before Magistrate Judge Mark W. Pedersen in the Western District of New York and was ordered released upon several conditions. On or about November 6, 2020, Devon Smith was presented before Magistrate Judge Stewart D. Aaron in the Southern District of New York. Judge Aaron approved a bail package proposed by the parties, which included several conditions, including that the defendant secure one financially responsible person – in addition to one person with moral suasion – to serve as the co-signer for his appearance bond. A representative of the U.S. Attorney's Office interviewed, and approved, the defendant's co-signers.

Due to circumstances that have been brought to the Government's attention, the Government, with the consent of defense counsel, now seeks to modify the conditions described above. Specifically, the Government seeks to remove the condition that a financially responsible person serve as a co-signer for Smith's appearance bond, and to impose the following conditions:

- One co-signer with moral suasion is to continue to serve as a co-signer for Smith's appearance bond;
- Smith is to submit to home detention, and is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; and

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- Smith is to submit to location monitoring, as directed by the pretrial services office or supervising officer, and comply with all of the program requirements and instructed provided.

Wherefore, the Government, with defense counsel's consent, respectfully requests that the Court so order the modification described above.

Respectfully submitted,

Granted.
So ordered.
4/9/2021

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J. PAUL OETKEN
United States District Judge